

July 5, 2002

Lt. Colonel Ronald N. Light
District Engineer
Department of the Army
U.S. Army Engineer District, Honolulu
Fort Shafter, Hawaii 96858-5440

Dear Lt. Colonel Light:

**Subject: Section 401 Water Quality Certification (WQC) for
Certain Department of the Army Nationwide Permits
Promulgated in the January 15, 2002, Federal Register Notices,
Volume 67, No. 10, in the State of Hawaii
File No. WQC 0000543/Army File No. 200100500**

In accordance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.; the "CWA"), Chapters 91, 92, and 342D of the Hawaii Revised Statutes (HRS), Part 121 of Title 40, Code of Federal Regulations (CFR), and Chapter 11-54 of the Hawaii Administrative Rules (HAR), the Department of Health (Department) has reviewed your Section 401 WQC application. The Department bases its WQC on the evaluation of information contained in the January 15, 2002, Federal Register Notices (Volume 67, Number 10) and the draft Regional Conditions submitted by the Honolulu Engineer District (HED) of the U.S. Army Corps of Engineers (COE).

This WQC is required for any owner or its duly authorized representative seeking verification under the Department of the Army Nationwide Permit (Nationwide Permit), promulgated in the January 15, 2002, Federal Register Notices, Volume 67, Number 10, and authorized under CWA, Section 404, of 1977.

The Director of Health (Director) attests that, when all requirements and conditions contained in this WQC are fully complied with, there is a reasonable assurance that the activities will be conducted in a manner which will not violate the Basic Water Quality Criteria applicable to all waters and the Specific Water Quality Criteria applicable to the class of State waters where the proposed discharges would take place.

1. Coverage of this WQC

- a. The granting of this WQC shall be limited to the discharge of dredged/excavated or fill material(s) into applicable State waters associated with activity(ies) authorized under the following applicable Nationwide Permits, promulgated in the January 15, 2002, Federal Register Notices, subject to compliance with all general and regional conditions and requirements established for the applicable Nationwide Permit(s) and this WQC:

Nationwide Permit

<u>No.</u>	<u>Scope</u>
3	Maintenance
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5	Scientific Measurement Devices
6	Survey Activities
12	Utility Line Activities including construction, maintenance, or repair of utility lines (excluding outfall and intake structures) that cross State waters and the associated excavation, backfill, or bedding for the utility lines, provided there is no change in preconstruction contours. This WQC covers mechanized land clearing necessary for the installation of utility lines crossing State waters, including overhead utility lines, provided the cleared area is kept to the minimum necessary, preconstruction contours are maintained, and the Nationwide Permit permittee (Permittee) complies with requirements established for the storm water discharges associated with construction activities specified in HAR, Chapter 11-55, entitled "Water Pollution Control." However, access roads (temporary or permanent), utility line substations, foundations for overhead utility line towers, poles, and anchors are excluded from the WQC coverage for this Nationwide Permit.
13	Bank Stabilization (except for bank stabilization activities in excess of 500 feet in length, or greater than an average of

one (1) cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line)

- 14 Linear Transportation Projects (except for linear transportation activities located in areas that will interfere or affect the existing or designated uses for the affected water body as specified in HAR, Section 11-54-1 and Section 11-54-3.)
- 16 Return Water from Upland Contained Disposal Areas (except for discharging of dewatering effluent return flow from the dredged/excavated materials obtained from any contaminated or suspected to be contaminated area(s))
- 18 Minor Discharges (excluding the outfall and storm water culvert construction)
- 19 Minor Dredging (except for dredging in any contaminated or suspected to be contaminated area(s) or using mechanical equipment for dredging or excavation in any special aquatic site, including wetlands)
- 22 Removal of Vessels
- 25 Structural Discharges
- 31 Maintenance of Existing Flood Control Projects
- 33 Temporary Construction, Access, and Dewatering
- 36 Boat Ramps
- 38 Cleanup of Hazardous and Toxic Waste

b. Geographical Area

This WQC does not apply to the following water bodies:

- (1) Natural lakes and anchialine pools as identified in HAR, paragraph 11-54-5.2(a).

- (2) Inland Waters: Class 1 (including 1.a. and 1.b.) as identified in HAR, Subsections 11-54-3(b), and 11-54-5.1.
- (3) Estuaries as identified in HAR, Subsection 11-54-3(b), and paragraph 11-54-05.2(d).
- (4) Marine Waters: Class AA as identified in HAR, Subsections 11-54-03(c), 11-54-6(b), 11-54-6(c), and 11-54-6(d).
- (5) Embayments: Class AA and Class A as identified in HAR, Subsections 11-54-3(c), and 11-54-6(a).
- (6) Marine Bottoms: Class I as identified in HAR, paragraph 11-54-3(d)(1), and subparagraphs 11-54-7(a)(2)(A), 11-54-7(b)(2)(A), 11-54-7(c)(2)(A), and 11-54-7(e)(2)(A).
- (7) Water Quality-Limited Segments listed by the Department pursuant to CWA, Subsection 303(d).

c. Limitations on Coverage

This WQC does not apply to any of the following:

- (1) After-The-Fact application, in whole or in part, submitted under the Nationwide Permits.
- (2) "Provisional Permit" verification issued by the HED, under the Nationwide Permits.
- (3) Discharge(s) regulated under CWA, Section 402.
- (4) The same Nationwide Permit that is verified more than once for a single and complete project.
- (5) Activity(ies) to be authorized under the Nationwide Permit that is inconsistent with criteria established in HAR, Subsection 11-54-1.1 or Section 11-54-3.
- (6) When the Director finds that it is more appropriate to evaluate the project impacts under an individual application for a WQC.

2. Terms of this WQC

- a. This WQC for each applicable Nationwide Permit listed in Item 1.a. becomes effective on the date of this WQC.
- b. This WQC for each applicable Nationwide Permit shall expire on midnight, **March 19, 2007**, or until the applicable State Water Quality Standards (WQS) is revised or modified or the applicable Nationwide Permit expires or is revised or modified, whichever is earliest.

3. Validation of this WQC

- a. This WQC coverage for each individual verification to be issued by the HED under each applicable Nationwide Permit shall become valid only when the notification information required in Item 5, below, has been submitted to the Department for review and comment and all related concern(s) and comment(s) are properly addressed to the Director's satisfaction.
- b. This WQC coverage for each discharge activity shall only be valid for two (2) years from the issuance date of each individual verification issued under each applicable Nationwide Permit by the HED. If the applicable State WQS is revised or modified during the two-year period and the activity complies with the revisions or modifications, this WQC coverage shall continue to be valid for the remainder of the two-year period.
- c. The Director may, on a case-by-case basis and upon the written request from the prospective Permittee, administratively extend the validation date of the WQC coverage for each individual verification issued by the HED under each applicable Nationwide Permit if the Director determines that there are no significant changes to the project scope and the changes will not, either individually or cumulatively, cause adverse impact to the State water quality.

The Director may also, on a case-by-case basis and upon the written request from the prospective Permittee, administratively extend the validation date of the WQC coverage beyond the WQC expiration date for discharge activities that have received an individual verification issued by the HED and the project was commenced or under contract to commence before the expiration date of this WQC (or the issued WQC coverage) if the Director determines that there are no significant changes to the project scope and the changes will not, either individually or cumulatively, cause adverse impact to the State water quality and project related discharges will comply with applicable State WQS.

- d. The WQC coverage for each discharge activity verified by the HED under each applicable Nationwide Permit may be modified or revoked when the Director has reason to believe that it is in the public interest.

4. Modification or Revocation of WQC Coverage

The WQC coverage issued by the Director may be modified or revoked at the Director's discretion or when any of the following is identified:

- a. In any case when:
 - (1) State WQS applicable to the waters into which the activity may discharge are subsequently established before the activity is completed; or
 - (2) The Director determines that the activity is violating the new State WQS.

The Director shall notify the Permittee and the HED of the violation of the new State WQS. The Permittee shall cease the violation within 180 days of the date of the notice. If the Permittee fails within 180 days of the date of the notice to cease the violation, the Director may revoke the WQC coverage, at the Director's discretion.

- b. The discharge(s) from the activity is in violation of any existing State WQS or any condition(s) or requirement(s) of this WQC. The Director shall notify the Permittee and the HED of the violation. The Permittee shall cease the violation within seven (7) days of the date of the notice. If the Permittee fails within seven (7) days of the date of the notice to cease the violation, the Director may revoke the WQC coverage, at the Director's discretion.
- c. The WQC coverage was obtained by misrepresentation, or there was a failure to disclose fully all relevant facts.
- d. There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

These actions shall not preclude the Department from taking other enforcement action authorized by law.

Written notification by the Director under this section is complete upon mailing or sending a facsimile transmission of the document or actual receipt of the document by the Permittee.

5. Notification Requirements

- a. The owner or its duly authorized representative seeking verification under the applicable Nationwide Permit, at a minimum, shall submit through the HED to the Department the information as listed below. When the notification is prepared and/or submitted by the owner's duly authorized representative, an authorization statement with the owner's original signature shall also be submitted. Any signatures required in this WQC shall be provided as described in 40 CFR §122.22(a).

- (1) The legal name(s), street address, contact person's name and position title, and telephone and fax numbers of the owner(s) and, if applicable, its duly authorized representative.
- (2) The name(s) of the State waters where the discharge will occur, the latitude and longitude of the discharge point(s), the classification of the State waters, and the associated existing recreational and other uses.

If the placement of fill or dredged/excavated material into any special aquatic site (including wetlands) is involved, the owner or its duly authorized representative shall delineate the affected special aquatic site (including wetlands) on a 8-1/2" X 11" map and submit the delineation to the Department.

- (3) The scope of work and/or a description of the overall project, including the construction and/or operation of the facility(ies) and/or activity(ies) which may result in discharges into State waters.
- (4) A Site-Specific Best Management Practices (BMPs) Plan. The BMPs Plan shall be designed, implemented, operated, and maintained by the Permittee in a manner to properly isolate and confine the construction activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.

The BMPs Plan, at a minimum, shall include site characterization; construction sequence; construction method; characteristics of the discharge and potential pollutants associated with the proposed construction activity; and proposed control measures and/or treatment.

A site-specific BMPs Plan shall also include a detailed Temporary Construction and Restoration Plan (Plan) if temporary construction

activities such as the construction of erosion control measures, temporary construction access, temporary stream diversion (dewatering) measures, staging and storage areas, desilting and/or dewatering basins, or any other similar activities that are needed for the project construction and to be authorized under any applicable Nationwide Permit(s). The Plan shall include typical section, location, and material to be used for the temporary structures, duration the temporary structures to be left in State waters and/or on land, BMPs and/or mitigation measures to be used for the construction and removal of the temporary structures, color photographs taken at all disturbed areas (including both upland and aquatic environment) before and after the proposed construction activities, information on the physical, chemical, and biological property of the disturbed areas, methods to be used to restore the disturbed areas, and methods to be used to determine the adequacy of the restoration activity. If restoring the site to its preconstruction condition is impractical or impossible, a written justification and the detailed disturbed site stabilization plan acceptable to the site/project owner, as appropriate, shall be submitted for review and comment.

- (5) The estimated date or dates on which the activity will begin and end, and the date or dates on which the discharge(s) will take place.
- (6) An Applicable Monitoring and Assessment Plan. The Plan, at a minimum, shall include description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge; the operation of equipment or facilities employed in the control of the proposed discharges; a map showing the location(s) of the monitoring point(s); reporting requirements; and assessment of monitoring results to demonstrate how the project construction activity would be in compliance with the applicable State WQS.
- (7) Supporting documentation (e.g. maps, plans, specifications, copies of associated federal permits or licenses, federal applications, Environmental Assessments or Environmental Impact Statements, as applicable, etc.).
- (8) If the placement of fill or dredged/excavated material into any special aquatic site (including wetlands) is involved, the owner or its duly authorized representative shall also submit to the Department for review and comment a Mitigation/Compensation Plan that is approved by the HED in accordance with "MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR AND THE

DEPARTMENT OF THE ARMY (became effective as of December 21, 1992)" or any applicable amendment thereafter.

- (9) Additional information regarding any irregularities or unique features of the project.

b. Additional Notification Requirements for the following Nationwide Permits:

(1) NATIONWIDE PERMIT NO. 3 MAINTENANCE

The owner or its duly authorized representative shall submit evidence that the structure(s) or fill(s) to be repaired or rehabilitated was previously authorized by the HED or the Department or both and the structure(s) or fill(s) is currently serviceable.

(2) NATIONWIDE PERMIT NO. 16 RETURN WATER FROM UPLAND CONTAINED DISPOSAL AREA

The owner or its duly authorized representative shall submit the following information:

- (a) A Detailed Dewatering Plan. The Plan, at a minimum, shall include the sediment quality data, treatment design, design concerns, calculations used in the treatment design, and proposed mitigative measures; and
- (b) An applicable dewatering return flow (effluent) or runoff water chemistry monitoring plan.

(3) NATIONWIDE PERMIT No. 31 MAINTENANCE OF EXISTING FLOOD CONTROL FACILITIES

The owner or its duly authorized representative shall submit the following information:

- (a) The proof that debris basins, retention and/or detention basins, or channels to be maintained were either (i) previously authorized by the HED by individual permit, general permit, or by 33 CFR 330.3 and constructed or (ii) constructed by the COE and transferred to a local sponsor for operation and maintenance;
- (b) Previously approved project scope and design and the HED approved maintenance baseline; and

(c) An approved Mitigation Plan.

(4) **NATIONWIDE PERMIT No. 33 TEMPORARY CONSTRUCTION,
ACCESS AND DEWATERING**

The owner or its duly authorized representative shall submit the following information:

- (a) A Detailed Construction Plan. The Plan, at a minimum, shall include typical section, location, and material to be used for the temporary structures, duration of the temporary structures to remain in State waters, BMPs or mitigation measures to be used for the construction and removal of the temporary structures;
- (b) For the construction of temporary access and/or dewatering (stream flow diversion) structures, information on stream flow, calculations (i.e., two-year, 24-hour rainfall event) used to maintain the temporary stream flow rate, and design concerns shall also be submitted;
- (c) An Applicable Monitoring and Assessment Plan that meets paragraph 5.a.(6) requirements; and
- (d) A detailed Site Restoration Plan. The Plan, at a minimum, shall include color photographs taken at all disturbed areas (including both upland and aquatic environment) before and after the proposed construction activities, information on the physical, chemical, and biological property of the disturbed areas, methods to be used to restore the disturbed areas, and methods to be used to determine the adequacy of the restoration activity. If restoring the site to its preconstruction condition is impractical or impossible, a written justification and the detailed disturbed site stabilization plan acceptable to the site/project owner, as appropriate, shall be submitted for review and comment.

The Director shall have 30 days to review and provide comment after receiving a copy of the Notification. The owner or its duly authorized representative shall properly address the Director's concern(s) and comment(s) within 30 days of the Director's notification. Failure to properly address the Director's concern(s) or comment(s) or correct a deficiency shall be sufficient grounds for denial of a WQC without prejudice. The owner

or its duly authorized representative may resubmit a complete Notification for a WQC coverage.

6. Conditions of this WQC

a. The HED shall transmit a copy of the following to the Department:

- (1) The adopted Regional Conditions;
- (2) The Notification information submitted by the owner or its duly authorized representative as required in Item 5, above, for review and comment. The Director shall have 30 days to review and comment on the information received; and
- (3) A copy of each individual verification issued under the applicable Nationwide Permit.

b. The Permittee shall:

- (1) Invite the Department's representative(s) to attend the pre-construction meeting, if applicable, established for the proposed activity.
- (2) Notify the Department [via telephone number (808) 586-4309] and appropriate District Health Office [Hawaii: (808) 933-0401, Maui: (808) 984-8234, Kauai: (808) 241-3323] at least three (3) working days before any work is to begin.
- (3) Comply and shall also require the contractor(s) to comply with the notification, specifications, acceptable site-specific BMPs Plan, applicable Monitoring and Assessment Plan, applicable Mitigation and/or Compensation Plan, and any other project-related information or requirements submitted to the Department either directly or through the HED.
- (4) Properly conduct or contract with a qualified laboratory/environmental consultant to conduct applicable monitoring and assessment in accordance with the applicable Monitoring and Assessment Plan acceptable to the Department.
- (5) Forward all monitoring results to the Department's Clean Water Branch (CWB) as soon as they become available or otherwise as specified in the acceptable Plan.

- (6) Ensure that silt curtain(s) or other appropriate and effective silt containment device(s) be properly deployed prior to the commencement of any in-water construction work; be properly maintained throughout the entire period of the in-water construction work; and not be removed until the in-water work is completed and the water quality in the affected area has returned to its pre-construction condition as demonstrated by the monitoring results.
- (7) Ensure that all activity-related discharges be conducted in a manner that complies with the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, Section 11-54-4.
- (8) Ensure that all material(s) placed or to be placed in State waters be free of waste metal products, organic materials, debris, and any pollutants at toxic or potentially hazardous concentrations to aquatic life as identified in HAR, Subsection 11-54-4(b)
- (9) Ensure that construction debris be contained and prevented from entering or re-entering State waters.
- (10) Immediately cease the portion of the construction work which is causing or may cause non-compliance with HAR, Subsection 11-54-4(a) or Subsection 11-54-4(b) as is indicated through water quality monitoring, daily inspection or observations, or the portion of the construction is damaging or will cause damage to the aquatic environment. The construction activity shall not resume until adequate mitigative measures are implemented and appropriate corrective actions are taken and approved by the Director. The Permittee shall not hold the Department responsible for any damages or costs incurred due to the cessation of the construction works.
- (11) Immediately report any spill(s) or other contamination(s) that occurs at the project site to the CWB.
- (12) Notify the CWB in writing within 14 days after the completion of the proposed construction activities.
- (13) Ensure that all temporarily constructed facilities or structures will be removed immediately after the completion of the in-water construction.
- (14) Allow the Department's representative(s) to make periodic inspections in accordance with HRS, Section 342-8.

- (15) Discontinue the work during flood conditions.
- (16) Hold clearing and grubbing work to a minimum.
- (17) Ensure that:
 - (a) Erosion and sediment control measures be in place and functional before earth moving operations begin;
 - (b) Temporary soil stabilization be applied on areas that will remain unfinished for more than 30 calendar days; and
 - (c) Permanent soil stabilization be applied as soon as practicable after final grading.
- (18) Review and update the effectiveness and adequacy of the Applicable Monitoring and Assessment Plan, implemented best management practices, and/or environmental protection measures as often as needed. The Permittee shall modify the Applicable Monitoring and Assessment Plan, best management practices, and/or environmental protection measures upon request or when instructed by the Director. Any change(s) to the implemented site-specific Best Management Practices Plan or Applicable Monitoring and Assessment Plan or correction(s) or modification(s) to information already on file with the Department shall be submitted to the Clean Water Branch, for review and comment, as such change(s), correction(s) or modification(s) arises. The Permittee shall properly address all comment(s) and/or concern(s) to the Director's satisfaction before such change(s), correction(s) or modification(s) becomes effective.
- (19) Ensure that all demolition debris and/or dredged/excavated materials will be properly removed from the aquatic environment and be disposed of at an upland Federal, State or County approved sites. A Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the Department's Office of Solid Waste Management. No construction material or construction-related materials shall be stockpiled, stored or placed in the aquatic environment or stored or placed in ways that will disturb the aquatic environment.
- (20) Obtain a National Pollutant Discharge Elimination System (NPDES) Permit for any discharge(s) that is regulated pursuant to CWA, Section 402, and HAR, Chapter 11-55.

- (21) Comply with all new State WQS adopted by the Department after the effective date of this WQC and/or after received the WQC coverage issued by the Director.
- c. The discharge activity(ies) authorized under the Nationwide Permit shall not interfere with or become injurious to any assigned uses made of (designated uses, as defined in HAR, section 11-54-1 and specified in HAR, section 11-54-3), or presently in (existing uses, as defined in HAR, Section 11-54-1 and specified in HAR, Subsection 11-54-1.1), those waters.
- d. Additional conditions for the following applicable Nationwide Permits:
 - (1) **NATIONWIDE PERMIT NO. 3 MAINTENANCE**
 - (a) Water tight forms shall be used when repair or rehabilitation work involving cast-in-place concrete below the ordinary high water mark or spring high tide line is anticipated; and
 - (b) Effluent discharges into State waters, either directly or indirectly, from hydroblasting, sand blasting, or any other similar regulated activity are prohibited, except for those discharges have received authorization issued by the Director under the NPDES Permit as specified in item 6.b(20), above .
 - (2) **NATIONWIDE PERMIT NO. 6 SURVEY ACTIVITIES**

The Permittee shall obtain an NPDES Permit issued by the Department under the authorization of CWA, Section 402, if the discharge of drilling mud and cuttings into State waters is anticipated.
 - (3) **NATIONWIDE PERMIT NO.13 BANK STABILIZATION**
 - (a) The bank stabilization project shall be designed and constructed to ensure that the constructed project will not cause erosion to the adjacent sand beach, shoreline, stream bank, or other properties;
 - (b) The bank stabilization project shall not affect or interfere, in any way, with any existing recreational activity(ies) or any other existing uses;
 - (c) There shall be no washing of any rocks, stones or any other construction related materials or equipment(s), either from on-site

or off-site, in State waters. Effluent from washing activity(ies) shall be properly contained and treated on land and not be discharged, either directly or indirectly, into State waters unless an NPDES Permit is obtained;

- (d) There shall be no discharge of any construction dewatering effluent into State waters. The granting of this WQC shall not constitute the approval of discharging any construction dewatering effluent into State waters. An NPDES Permit(s) is required if construction dewatering effluent discharging into State waters is anticipated; and
- (e) Benchmarks shall be established prior to the commencement of any bank stabilization construction work. Benchmarks shall be established to allow the comparison of the site(s) conditions before and after the construction. Color photographs shall be taken before and after the completion of the bank stabilization project construction. Copies of the color photographs taken should note the date and time the photos were taken. Color photographs taken before the project construction shall be submitted to the Department together with the required site-specific Best Management Practices Plan. Color photographs taken after the construction shall be submitted to the Department within two (2) weeks after the completion of the construction project.

(4) **NATIONWIDE PERMIT NO. 16 RETURN WATER FROM UPLAND CONTAINED DISPOSAL AREA**

Utilizing State waters, including wetlands, for dewatering treatment or return flow control measures or corrective measures is prohibited.

(5) **NATIONWIDE PERMIT NO. 18 MINOR DISCHARGE**

- (a) Water tight forms shall be used when construction, repair, or rehabilitation activity involving cast-in-place concrete work below the ordinary high water mark or spring high tide line is anticipated; and
- (b) Effluent discharges into State waters, either directly or indirectly, from hydroblasting, sand blasting, or any other regulated activity is prohibited, except for those discharges have received authorization

issued by the Director under the NPDES Permit as specified in item 6.b(20), above.

(6) NATIONWIDE PERMIT NO. 22 REMOVAL OF VESSELS

- (a) The removed vessels or man-made obstructions to navigation shall be properly disposed of; and
- (b) Temporarily placed structures shall be removed immediately after the completion of the proposed activity.

(7) NATIONWIDE PERMIT NO. 25 STRUCTURE DISCHARGES

- (a) There shall be no concrete overflows from water tight form into State waters during the concrete pouring process; and
- (b) There shall be no discharge of any construction dewatering effluent into State waters. The granting of this WQC shall not constitute the approval of discharges of any construction dewatering effluent into State waters. An NPDES Permit(s) is required if construction dewatering effluent discharging into State waters is anticipated.

(8) NATIONWIDE PERMIT No. 31 MAINTENANCE OF EXISTING FLOOD CONTROL FACILITIES

The "maintenance" may not exceed previously authorized depth and configurations.

(9) NATIONWIDE PERMIT NO. 33 TEMPORARY CONSTRUCTION, ACCESS AND DEWATERING

- (a) Cease all temporary discharges immediately after the completion of that portion of the work, all temporarily constructed structures shall be removed, and all sites restored to its pre-construction condition, if not better;
- (b) Any discharge activity(ies) authorized under this Nationwide Permit shall not adversely, either temporarily or permanently, affect any special aquatic sites, including wetlands; and

- (c) Benchmarks shall be established prior to the commencement of any discharges. Benchmarks shall be established to allow the comparison of the site(s) conditions before and after the discharges. Color photographs shall be taken before and after the completion of the project. Copies of the color photographs taken should note the date and time the color photographs were taken. Color photographs taken before the project construction shall be submitted to the Department together with the required BMPs Plan. Color photographs taken after the construction shall be submitted to the CWB within two (2) weeks after the completion of the construction project.

(10) NATIONWIDE PERMIT NO. 36 BOAT RAMPS

- (a) Water tight forms shall be used when boat ramp construction, repair, or rehabilitation activity involving cast-in-place concrete work below the ordinary high water mark or spring high tide line is anticipated;
- (b) The boat ramp shall be designed and constructed to ensure that the constructed boat ramp will not cause erosion to the adjacent sand beach, shoreline, stream bank or other properties; and
- (c) The constructed boat ramp shall not affect or interfere with any of the existing recreational activities or any other existing uses.

The HED published a public notice of proposed WQC in **The Garden Island, Honolulu Star Bulletin, The Maui News, West Hawaii Today and Hawaii Tribune-Herald** on **May 13, 2002**, for the subject activities.

After consideration of the expressed views of all interested persons and agencies and pertinent State statutes and rules, the Department hereby issues this WQC to all owners or its duly authorized representative seeking coverage under the applicable Nationwide Permit. This action does not constitute a significant change from the tentative determination set forth in the public notice.

Lt. Colonel Ronald N. Light
July 5, 2002
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Should you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at 586-4309.

Sincerely,

GARY GILL, DEPUTY DIRECTOR
Environmental Health Administration

Enclosure: Solid Waste Disclosure Form for Construction Sites

- c: U.S. Fish and Wildlife Service (w/o encl.)
Pacific Islands Contact Office, U.S. EPA Region IX (w/o encl.)
U.S. National Marine Fisheries Service (w/o encl.)
CZM Program, Office of Planning/State DBEDT (w/o encl.)
Division of Aquatic Resources, State DLNR (w/o encl.)
Land Division, State DLNR (w/o encl.)
CWRM, State DLNR (w/o encl.)
DHO, Hawaii (w/o encl.)
DHO, Maui (w/o encl.)
DHO, Kauai (w/o encl.)
EHS, Molokai/Lanai (w/o encl.) (Routed file copy)